

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

United States of America

vs.

(2) Francisco Perez-Gomez

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NO: 1:17-CR-00087(2)-RP

ORDER ACCEPTING REPORT AND RECOMMENDATION -
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On April 14, 2022 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (2) Francisco Perez-Gomez, which alleged that Perez-Gomez violated a condition of his supervised release and recommended that Perez-Gomez 's supervised release be revoked (Clerk's Document No. 107). A warrant issued and Perez-Gomez was arrested. On July 11, 2023, Perez-Gomez appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set..

Perez-Gomez appeared before the magistrate judge on July 25, 2023, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on July 25, 2023, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the original offense and the intervening conduct of Perez-Gomez, the magistrate judge recommends that this court

revoke Perez-Gomez supervised release and that Perez-Gomez be sentenced to imprisonment for 3 months BOP months, with a term of 12 months 'TSR months of supervised release to follow the term of imprisonment (Clerk's Document No. 125).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass 'n*, 79 F.3d1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

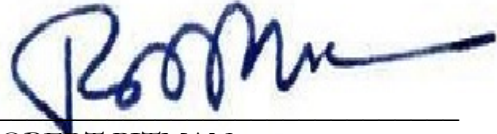
The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 125) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (2) Francisco Perez-Gomez's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (2) Francisco Perez-Gomez be **imprisoned for 3 months with a term of supervised release of 12 months** to follow the term of imprisonment. All prior conditions of supervised release are reimposed.

Signed this 99th day of August, 2023.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE